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FACSIMILE TRANSMITTAL FORM

Group Art Unit 3738
TO: Examiner Thomas Sweet DATE: October 24, 2006
COMPANY: United States Patent and Trademark Office
FACSIMILE NO.: 571-273-8300
FROM: Richard J. Godlewski NO. OF PAGES 10
(including this cover sheet).

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In Re Application of: Bates et al. Customer No.: 9896
Atty. Docket No.: PA-5335-RFB
Serial No.: 10/618,977 Group Art Unit: 3738
Filed: July 14, 2003 Examiner: Thomas Sweet
Title: COATED MEDICAL DEVICE

Please enter and make of record the enclosed amendment to application Serial No. 10/618,977. The following documents are enclosed with this transmission:

Transmittal of Information Disclosure Statement Before Mailing Date of
Final Action (3 pages)
Information Disclosure Statement (2 pages)
Form 1449/PTO (4 pages)



Richard J. Godlewski
Registration No. 30,056
(812) 330-1824

Attorney's Docket No. PA-5335-RFB

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bates et al.

Customer No.: 9896

Serial No: 10/618,977

Group No.: 3738

Filed: July 14, 2003

Examiner: Thomas Sweet

For: COATED MEDICAL DEVICE

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Commissioner for Patents
Alexandria, VA 22313

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE
MAILING DATE OF EITHER A FINAL ACTION OR NOTICE
OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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transmitted by facsimile to the
Patent and Trademark Office.

Date October 24, 2006


Signature

Pam Garwood

(Type or print name of person certifying)

(Transmittal of Information Disclosure Statement before Mailing Date of
Either A Final Action Or Notice of Allowance [6-4] -- Page 1 of 3)

NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, (if) the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 708.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

**TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT**

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1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,

whichever occurs first.

CERTIFICATION OR FEE

2. Accompanying this transmittal is:
(check either A or B below)

A. ☐ a certification as specified in 37 CFR 1.97(e)

OR

B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

FEE PAYMENT

(Complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00)

Fee due \$ 180.00

(Transmittal of Information Disclosure Statement before Mailing Date of
Either A Final Action Or Notice of Allowance [6-4] -- Page 2 of 3)

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METHOD OF PAYMENT OF FEE

4. ☐ Attached is check in the amount of \$_____

☒ Charge Account No. 13-2528 in the amount of \$180.00

A duplicate of this request is attached.

If any additional fees are due, please charge Account No. 13-2528.

Date:

Oct. 24, 2006

Reg. No.: 30,056

Tel. No.: (812) 330-1824


SIGNATURE OF ATTORNEY

Richard J. Godlewski
(Type or print name of attorney)

P.O. Box 2269
(P.O. Address)

Bloomington, IN 47402

(Transmittal of Information Disclosure Statement before Mailing Date of
Either A Final Action Or Notice of Allowance [6-4] -- Page 3 of 3)

Certificate of Facsimile Transmission

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on October 24, 2006
Signature Thomas Sweet

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Bates et al.
Appln. No.: 10/618,977
Filed: July 14, 2003
For: COATED MEDICAL DEVICE
Attorney Docket No: PA-5335-RFB

Examiner: Thomas Sweet
Art Unit: 3738

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, Applicant hereby cites the reference(s) listed on the enclosed Form PTO 1449. A copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2) is also enclosed. Applicant respectfully requests the Examiner's consideration of the reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Pursuant to 37 CFR § 1.97(c), this Information Disclosure Statement is being filed before the mailing date of a final action under 37 CFR § 1.113, a notice of

-1-

10/25/2006 TL0111 00000033 132528 10618977
01 FC:1806 180.00 DA

Appln. No. 10/832,183

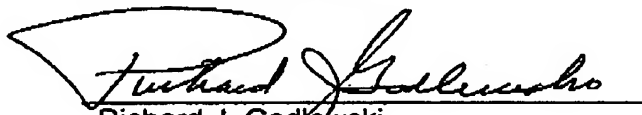
Filing Date: April 26, 2004

Pursuant to 37 CFR § 1.97(c), this Information Disclosure Statement is being filed before the mailing date of a final action under 37 CFR § 1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closed prosecution in the application, and the Commissioner is authorized to deduct \$180.00 for the fee under 37 CFR §1.17(p) from Deposit Account No. 13-2528.

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Respectfully submitted,

Oct. 24, 2006
Date


Richard J. Godlewski
Reg. No.30,056

Please type a plus sign (+) inside this box →



PTO/SB/08A (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known		RECEIVED CENTRAL FAX CENTER OCT 24 2006
		Application Number	10/618,977	
		Filing Date	July 14, 2003	
		First Named Inventor	Brian Bates, et al.	
		Group Art Unit	3738	
		Examiner Name	Thomas Sweet	
Sheet 1 of 5	Attorney Docket Number	PA-5335-RFB (8627/742)		

U.S. PATENT DOCUMENTS

Examiner Initials*	Cita No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1	4,101,984		MacGregor	07/25/1978	
	2	4,305,926		Everse et al.	12/15/1981	
	3	4,343,788		Mustacich et al.	08/10/1982	
	4	4,476,590		Scales et al.	10/16/1984	
	5	4,479,795		Mustacich et al.	10/30/1984	
	6	4,502,159		Woodroof et al.	03/05/1985	
	7	4,677,143		Laurin et al.	06/30/1987	
	8	4,769,013		Lorenz et al.	09/06/1988	
	9	4,793,825		Benjamin et al.	12/27/1988	
	10	4,872,867		Joh	10/10/1989	
	11	4,879,135		Greco et al.	11/07/1989	
	12	4,886,062		Wiktor	12/12/1989	
	13	4,909,799		Thulesius et al.	03/20/1990	
	14	4,917,686		Bayston et al.	04/17/1990	
	15	4,925,668		Khan et al.	06/16/1990	
	16	4,950,256		Luther et al.	08/21/1990	
	17	4,994,047		Walker et al.	02/19/1991	
	18	5,004,461		Wilson	04/02/1991	
	19	5,019,096		Fox, Jr. et al.	05/28/1991	
	20	5,019,393		Ito et al.	05/28/1991	
	21	5,019,601		Allen	05/28/1991	
	22	5,053,048		Pinchuk	10/01/1991	
	23	5,059,166		Fischell et al.	10/22/1991	
	24	5,067,491		Taylor, II et al.	11/26/1991	
	25	5,098,977		Frautschl et al.	03/24/1992	
	26	5,102,402		Dror et al.	04/07/1992	
EXAMINER SIGNATURE				DATE CONSIDERED		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	10/618,977
		Filing Date	July 14, 2003
		First Named Inventor	Brian Bates, et al.
		Group Art Unit	3738
Examiner Name	Thomas Sweet		
Sheet 2 of 5	Attorney Docket Number		PA-5335-RFB (8627/742)

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Examiner Initials*	Cita No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	27	5,108,424		Hoffman, Jr. et al.	04/28/1992	
	28	5,112,457		Marchant	05/12/1992	
	29	5,135,516		Sahaajian et al.	08/04/1992	
	30	5,163,952		Froix	11/17/1992	
	31	5,165,952		Solomon et al.	11/24/1992	
	32	5,171,217		March et al.	12/15/1992	
	33	5,182,317		Winters et al.	01/26/1993	
	34	5,197,977		Hoffman, Jr. et al.	03/30/1993	
	35	5,217,493		Raad et al.	06/08/1993	
	36	5,222,971		Willard et al.	06/29/1993	
	37	5,229,172		Cahalan et al.	07/20/1993	
	38	5,244,654		Narayanan	08/14/1993	
	39	5,282,823		Schwartz et al.	02/01/1994	
	40	5,298,255		Sawamoto et al.	03/29/1994	
	41	5,304,121		Sahaajian	04/19/1994	
	42	5,314,688		Kauffman et al.	05/24/1994	
	43	5,342,348		Kaplan	08/30/1994	
	44	5,344,411		Domb et al.	09/06/1994	
	45	5,344,444		Glastra	09/06/1994	
	46	5,345,933		Peterson et al.	09/13/1994	
	47	5,348,873		Matsuda et al.	09/20/1994	
	48	5,356,433		Rowland et al.	10/18/1994	
	49	5,380,299		Fearnot et al.	01/10/1995	
	50	5,383,927		De Goicoechea et al.	01/24/1995	
	51	5,383,928		Scott et al.	01/24/1995	
	52	5,419,760		Narciso, Jr.	05/30/1995	
	53	5,443,458		Eury	08/22/1995	
	54	5,447,724		Helmus et al.	09/05/1995	
	55	5,449,382		Dayton	09/12/1995	
	56	5,454,886		Burrell et al.	10/03/1995	
	57	5,455,040		Marchant	10/03/1995	

EXAMINER
SIGNATURE

DATE CONSIDERED

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		Application Number	10/618,977
		Filing Date	July 14, 2003
		First Named Inventor	Brian Bates, et al.
		Group Art Unit	3738
Examiner Name	Thomas Sweet		
Sheet 3 of 5	Attorney Docket Number		PA-5335-RFB (8627/742)

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		Number	Kind Code ² (if known)			
	58	5,456,653		Lemelson	10/10/1995	
	59	5,457,113		Cullinan et al.	10/10/1995	
	60	5,464,450		Buscemi et al.	11/07/1995	
	61	5,464,650		Berg et al.	11/07/1995	
	62	5,500,013		Buscemi et al.	03/19/1996	
	63	5,510,330		Martin et al.	04/23/1996	
	64	5,531,716		Luzio et al.	07/02/1996	
	65	5,534,288		Gruskin et al.	07/09/1996	
	66	5,554,181		Das	09/10/1996	
	67	5,587,495		Modak et al.	10/22/1996	
	68	5,589,463		Helmus et al.	10/29/1996	
	69	5,578,075		Dayton	11/26/1996	
	70	5,605,696		Eury et al.	02/25/1997	
	71	5,607,463		Schwartz et al.	03/04/1997	
	72	5,607,475		Cahalan et al.	03/04/1997	
	73	5,609,629		Feamot et al.	03/11/1997	
	74	5,624,411		Tuch	04/29/1997	
	75	5,629,008		Lee	05/13/1997	
	76	5,649,977		Campbell	07/22/1997	
	77	5,679,400		Tuch	10/21/1997	
	78	5,681,846		Trissel	10/28/1997	
	79	5,697,967		Dinh et al.	12/16/1997	
	80	5,716,981		Hunter et al.	02/10/1998	
	81	5,733,327		Igaki et al.	03/31/1998	
	82	5,762,638		Shikani et al.	06/09/1998	
	83	5,770,198		Coller et al.	06/23/1998	
	84	5,772,640		Modak et al.	06/30/1998	
	85	5,820,607		Tcholakian et al.	10/13/1998	
	86	5,824,049		Ragheb et al.	10/20/1998	
	87	5,837,008		Berg et al.	11/17/1998	
	88	5,853,746		Darouiche	12/29/1998	

EXAMINER SIGNATURE	DATE CONSIDERED
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1448A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known		RECEIVED CENTRAL FAX CENTER OCT 24 2006
		Application Number	10/618,977	
		Filing Date	July 14, 2003	
		First Named Inventor	Brian Bates, et al.	
		Group Art Unit	3738	
Examiner Name	Thomas Sweet			
Attorney Docket Number	PA-5335-RFB (8627/742)			
Sheet	4	of	5	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	89	5,873,904		Ragheb et al.	02/23/1999	
	90	5,902,283		Darouiche et al.	05/11/1999	
	91	5,886,026		Hunter et al.	03/23/1999	
	92	6,096,070		Ragheb et al.	08/01/2000	
	93	6,171,232	B1	Papadreu et al.	01/09/2001	
	94	6,240,616	B1	Yan	06/05/2001	
	95	6,273,908	B1	Ndondo-Lay	08/14/2001	
	96	6,273,913	B1	Wright et al.	08/14/2001	
	97	6,299,604	B1	Ragheb et al.	10/09/2001	
	98	6,306,166	B1	Barry et al.	10/23/2001	
	99	6,335,029	B1	Kamath et al.	01/01/2002	
	100	6,599,275	B1	Fischer, Jr.	07/29/2003	
	101	6,730,064	B2	Ragheb et al.	05/04/2004	
	102	6,774,278	B1	Ragheb et al.	08/10/2004	
	103	6,918,927	B2	Bates et al.	07/19/2005	
	104	2003/0028243	A1	Bates et al.	02/06/2003	
	105	2003/0028244	A1	Bates et al.	02/06/2003	
	106	2003/0036794	A1	Ragheb et al.	02/20/2003	
	107	2004/0243225	A1	Ragheb et al.	12/02/2004	
	108	2004/0068241	A1	Fischer, Jr.	04/08/2004	
	109	2004/0073284	A1	Bates et al.	04/15/2004	
	110	2005/0042295	A1	Hunter et al.	02/24/2005	
	111	2005/0123605	A1	Hunter et al.	06/09/2005	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

**EXAMINER
SIGNATURE**

DATE CONSIDERED

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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